

**CITY OF LINCOLN, NEBRASKA
COMMISSION ON HUMAN RIGHTS
MINUTES**

THURSDAY, May 26, 2011
CITY COUNCIL CHAMBERS
555 S. 10TH STREET

The May 26, 2011 meeting of the Commission on Human Rights was called to order at 4 p.m. by Chairperson Wendy Francis.

ROLL CALL:

The roll call was called and documented as follows:

MEMBERS PRESENT:

Commissioners: Jose Quintero, Takako Olson, Dick Noble, Hazel Rodriguez, Mary Reece and Wendy Francis, Chairperson. Quorum present.

MEMBERS ABSENT:

Commissioners: Karla Cooper, Gene Crump and Sue Oldfield.

STAFF PRESENT:

Angela Lemke, Margie Nichols, Regina Grant, Rod Confer and Janice Folkner.

APPROVAL OF APRIL 14, 2011 MINUTES:

A motion was made by Commissioner Quintero and seconded by Commissioner Olson to approve the minutes of the April 14, 2011 meeting as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting "aye" was: Commissioners Quintero, Olson, and Francis. Abstaining was Commissioner Noble and Rodriguez. Motion carried.

APPROVAL OF MAY 26, 2011 AGENDA:

Chairperson Francis stated there will be two corrections on the Agenda. First one was under Section B. Item # 14 should be LCHR No. 11-0120-005-E-R and Item #15 should be LCHR No. 11-0210-004-H. Also, Item #16 has been removed from the agenda, Pre-Determination Settlement LCHR No.: 11-0425-015-E-R. With those changes, a motion was made by Commissioner Noble and seconded by Commissioner Quintero to approve the May 26, 2011 meeting agenda as presented.

At this time Chairperson Francis noted Commissioner Reece arrived at the meeting.

Hearing no discussion regarding the Agenda, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Quintero, Noble, Rodriguez, Olson and Francis. Abstaining was Commissioner Reece. Motion carried.

CASE DISPOSITIONS:

LCHR No.: 10-0609-026-E

A motion for a finding of **No Reasonable Cause** on disparate impact based on gender was made by Commissioner Olson and seconded by Commissioner Reece.

Discussion ensued. Commissioner Rodriguez commented on the additional information regarding the U.S. Supreme Court ruling, stating it appeared that numbers alone are not sufficient enough evidence. Commissioner Francis stated that the investigation showed that there was further evidence regarding the other applicants and more research was done to confirm the findings.

Hearing no further discussion, voting “aye” on the motion for a finding of **No Reasonable Cause** on disparate impact based on gender was: Commissioners Noble, Rodriguez, Reece, Olson, Quintero and Francis. Motion carried.

A motion for a finding of **No Reasonable Cause** based on allegation of being denied a promotion based on sex was made by Commissioner Olson and seconded by Commissioner Rodriguez.

Hearing no further discussion, voting “aye” was: Commissioners Rodriguez, Reece, Olson, Quintero, Noble and Francis. Motion carried.

LCHR No.: 10-0723-033-E-R

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Reece and seconded by Commissioner Noble.

Discussion ensued. Commissioner Rodriguez asked if any information was found on the Complainant’s allegation that she was discriminated against based on age and national origin. Investigator Lemke stated that it was difficult to get additional information because the Respondent stopped operating the business as of September, 2010. Lemke said that she did not find any evidence that concerned her and had done a breakdown of the ages. She further explained that the Complainant had not applied for a position and there really was not a position available that she would have been qualified for. Rodriguez inquired if Lemke had any information regarding the statement the Complainant made regarding the owner stating that she couldn’t hire her due to her injuries because it would cost the company a lot of money. Lemke replied there was no evidence

to substantiate that. Rodriguez asked if the Respondent had paid for any injuries she had received, Lemke stated she did not know the answer to that, but it still comes down to the fact that the Complainant never actually applied for a position.

Hearing no further discussion, voting “aye” was: Commissioners Reece, Olson, Quintero, Noble, Rodriguez and Francis. Motion carried.

LCHR No.: 10-0830-038-E-R

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Olson and seconded by Commissioner Rodriguez.

Discussion ensued. Commissioner Reece asked if there was any evidence that the sexual harassment was as severe as the Complainant reported on behalf of another co-worker, since the co-worker seemed to play it down. Lemke reported there was no such evidence and the supervisor denied that the Complainant reported as graphic behavior as she alleged in her complaint, and the actual recipient of any such comments didn’t appear as concerned.

Hearing no further discussion, voting “aye” was: Commissioners Olson, Quintero, Noble, Rodriguez, Reece and Francis. Motion carried.

LCHR No.: 10-0928-004-PA

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Reece and seconded by Commissioner Olson.

Commissioner Francis stated the evidence showed that there was some mis-communication at the Respondent’s site. Commissioner Noble also stated that there was at least one prescription that was filled in a timely manner.

Hearing no further discussion, Chairperson Francis asked for the roll call. Voting “aye” on No Reasonable Cause was: Commissioners Quintero, Noble, Rodriguez, Reece, Olson and Francis. Motion carried.

LCHR No.: 10-1027-049-E-R

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Rodriguez and seconded by Commissioner Quintero.

Chairperson Francis asked what the Respondent's policy was for personal medicines being left out. Investigator Nichols stated that they are not to be left out and that they are provided a locked cabinet that they could keep those items locked in. Francis questioned the discrepancy in the timeline clarification. Nichols stated the Respondent did a verbal counseling but not a written one, then put all of it on the written one for that specific date for the termination because she had received a phone call from the residence stating they had found more pills left out.

Hearing no further questions, Chairperson Francis asked for the roll call. Voting "aye" on No Reasonable Cause was: Commissioners Noble, Rodriguez, Reece, Olson, Quintero and Francis. Motion carried.

LCHR No.: 10-1028-050-E-R

A motion for a finding of **No Reasonable Cause** on all allegations was made by Commissioner Rodriguez and seconded by Commissioner Noble.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting "aye" on No Reasonable Cause was: Commissioners Rodriguez, Reece, Olson, Quintero, Noble and Francis. Motion carried.

LCHR No.: 11-0207-002-H

A motion for a finding of **No Reasonable Cause** was made by Commissioner Reece and seconded by Commissioner Quintero.

Discussion ensued. Commissioner Rodriguez stated that the apartment was rented by someone else that had children and then asked if this was a health concern. Nichols replied that if someone is going to be using a Section 8 housing voucher, the house would have to pass a lead base paint inspection. Nichols further explained that the landlord does disclose to all potential tenants that there could be lead paint in the house, given the age of the home. Francis asked how much of the rent the housing voucher would have covered. Nichols stated it would have covered the entire amount of the rent, but the Complainant did not complete the application.

Hearing no further discussion, Chairperson Francis asked for the roll call. Voting "aye" on No Reasonable Cause was: Commissioners Reece, Olson, Quintero, Noble, Rodriguez and Francis. Motion carried.

PRE-DETERMINATION SETTLEMENT AGREEMENTS:

LCHR No.: 10-0916-044-E-R

LCHR No.: 10-1026-021-H

LCHR No.: 10-1026-022-H

LCHR No.: 10-1029-023-H

LCHR No.: 10-1222-058-E-R

LCHR No.: 10-1229-059-E-R

LCHR No.: 11-0120-005-E-R

LCHR No.: 11-0210-004-H

A motion was made by Commissioner Noble and seconded by Commissioner Reece to accept the pre-determination settlement agreements as presented.

Hearing no discussion, Chairperson Francis asked for the roll call. Voting “aye” was: Commissioners Quintero, Noble, Rodriguez, Reece, Olson and Francis. Motion carried.

OLD BUSINESS:

A. Progress Report on Human Rights Space

Rod Confer reported the new office space for the Commission on Human Rights has been completed and they will be moving in Tuesday and Wednesday of next week.

NEW BUSINESS:

A. Americans with Disabilities Act As Amended

Nichols announced the EEOC will be providing training on the Americans with Disabilities Act As Amended on June 29, 2011 from 9:00 a.m. until 12:00 p.m. in Omaha at the State Office Building at 1313 Farnam, Room 227. Nichols further explained that the Supreme Court has made some new decisions regarding retaliation and this will be a good opportunity for Commissioners to be updated on the laws.

PUBLIC COMMENTS: None

Next Meeting: The next meeting will be held on Thursday, June 30, 2011 at 4:00 p.m. in the City Council Chambers at the County City Building at 555 S. 10th Street.

ADJOURNED: The meeting adjourned at 4:39 p.m.

